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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 RALPH HOWARD BLAKELY,
8 Plaintiff,

9 v.

10 PATRICK PETERSON and J. DOE
11 TONHOFFER, M.D.,
12 Defendants.

NO: 2:18-CV-0081-TOR

ORDER GRANTING REQUEST FOR
EXPEDITED HEARING AND
DENYING SECOND MOTION FOR
INJUNCTIVE RELIEF

13 BEFORE THE COURT is Plaintiff's second Motion for injunctive relief, for
14 which he seeks expedited review. ECF No. 14. Plaintiff, a prisoner at the Airway
15 Heights Corrections Center, is proceeding *pro se* and *in forma pauperis*; Defendants
16 have not been served. The Motion was considered without oral argument on the date
17 signed below.

18 By Order filed April 6, 2018, ECF No. 13, the Court denied Plaintiff's initial
19 Motion for injunctive relief, ECF No. 8. Plaintiff had sought the return of his
20 wheelchair and a prescription for a particular medication. At that time, the Court

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1 lacked jurisdiction to address Plaintiff's motion for injunctive relief as he had not
2 yet filed a legally sufficient complaint. *See* generally Fed. R. Civ. P. 3 and the notes
3 following the rule.


4 The Court found Plaintiff's initial complaint failed to state a claim upon which
5 relief may be granted and directed Plaintiff to amend or voluntarily dismiss within
6 sixty (60) days. ECF No. 13. Plaintiff has not complied with that directive.

7 For the reasons set forth above and in the Court's prior Order, ECF No. 13 at
8 16, **IT IS ORDERED** Plaintiff's request for expedited review is **GRANTED**, but
9 the Motion for Injunctive Relief, ECF No. 14, is **DENIED** with leave to renew after
10 Plaintiff has submitted a legally sufficient complaint. Plaintiff is again encouraged
11 to pursue medical treatment at his incarcerating facility and to file medical
12 grievances when appropriate.

13 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order and
14 provide a copy to Plaintiff.

15 **DATED** April 17, 2018.




THOMAS O. RICE
Chief United States District Judge